

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1319

Introduced by Senators Burton and Alpert

(Coauthors: Assembly Members ~~Kehoe~~ *Hancock, Jackson, Kehoe, Laird, Lieber, and Pavley*)

February 17, 2004

An act to add Division 26.5 (commencing with Section 35500) to the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as amended, Burton. Natural resources: ocean protection.

Existing law generally regulates activities relating to coastal and ocean resources.

This bill would create the California Ocean Protection Act, which would include various legislative findings and declarations related to coastal and ocean resources. The bill would define terms.

The bill would establish the Ocean Protection Council in state government, consisting of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The bill would require 3 Members of the Senate, appointed by the Senate Committee on Rules, and 3 Members of the Assembly, appointed by the Speaker of the Assembly, to meet with the council and participate in its activities to the extent that participation is not incompatible with their positions as Members of the Legislature.

The bill would require the council to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, to establish policies and procedures to coordinate the collection and sharing of scientific data between agencies, and to identify and recommend to the Legislature and the Governor changes in law and policy needed to meet these goals, as specified. The bill would require the council to be consistent with ~~the expressed~~ *specified* legislative findings and declarations.

The bill would establish the California Ocean Protection Trust Fund and authorize moneys deposited in the fund, upon appropriation by the Legislature, to be expended for activities related to coastal and ocean resources, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 26.5 (commencing with Section
2 35500) is added to the Public Resources Code, to read:

3

4 DIVISION 26.5. CALIFORNIA OCEAN PROTECTION
5 ACT

6

7 CHAPTER 1. GENERAL PROVISIONS

8

9 35500. This division shall be known, and may be cited, as the
10 California Ocean Protection Act.

11 35505. The Legislature finds and declares all of the
12 following:

13 (a) California’s coastal and ocean resources are critical to the
14 state’s environmental and economic security, and integral to the
15 state’s high quality of life and culture. A healthy ocean is part of
16 the state’s legacy, and is necessary to support the state’s human and
17 wildlife populations. Each generation of Californians has an
18 obligation to be good stewards of the ocean, to pass the legacy on
19 to their children.

20 (b) Ocean resources contribute more than seventeen billion
21 three hundred million dollars (\$17,300,000,000) to the state’s



1 economy, generating 370,000 jobs, according to a 1997 Resources
2 Agency study, of which nine billion nine hundred million dollars
3 (\$9,900,000,000) is generated from coastal tourism spending.
4 Californians benefit from the economic, heritage, existence, and
5 other intrinsic values of the ocean, including, but not limited to,
6 wildlife watching, recreational and commercial fishing, education
7 and research, biodiversity, and other aesthetic, recreational,
8 environmental, and economic values.

9 (c) The ocean is a public trust. Every public agency and every
10 Californian has a responsibility to protect the state’s coastal and
11 ocean resources. Californians have entrusted state government
12 with the responsible stewardship of that public trust resource.

13 (d) The decline in our ocean’s health is well documented.
14 Reports such as the 1997 Resources Agency report, “California’s
15 Ocean Resources: An Agenda for the Future,” ~~and~~ the 2003 Pew
16 Oceans Commission report, “America’s Living Oceans: Charting
17 a Course for Sea Change,” *and the United States Commission on*
18 *Oceans Policy’s 2004 preliminary report*, document degraded
19 ocean values, due to coastal and ocean development, onshore and
20 offshore pollution, certain fishing and aquaculture practices, and
21 invasive species, among other things.

22 (e) The preservation of the state’s ocean resources depends on
23 healthy, productive, and resilient ocean ecosystems. To ensure the
24 protection of the public trust, the governance of ocean resources
25 should be guided by principles of sustainability, ecosystem health,
26 precaution, recognition of the interconnectedness between land
27 and ocean, decisions informed by good science and improved
28 understanding of coastal and ocean ecosystems, and public
29 participation in decisionmaking.

30 (f) Good governance and stewardship of ocean resources
31 necessitate more efficient and effective use of public funds.

32 (g) Many different federal, state, and local agencies are
33 responsible for governing or protecting different aspects or values
34 of the state’s coastal and ocean resources. There is a critical need
35 for these public agencies to work together in a more coordinated
36 manner to ensure effective, comprehensive, and consistent
37 protection and conservation of the ocean within the state’s
38 jurisdiction.

39 (h) The state needs to coordinate governance and stewardship
40 of the state’s ocean, to identify priorities, bridge existing gaps, and



1 ensure effective and scientifically sound approaches to protecting
2 and conserving the most important ocean resources.

3 35510. The Legislature finds and declares all of the
4 following:

5 (a) The coastal waters offshore of the state and the ocean
6 ecosystems associated with those waters are natural resources that
7 the state holds in trust for the people of the state.

8 (b) It is the state's policy that all public agencies shall
9 administer the laws associated with the protection and
10 conservation of coastal waters in accordance with the following
11 principles:

12 (1) State decisions affecting coastal waters and the ocean
13 environment shall be designed and implemented to conserve the
14 health and diversity of ocean life and ecosystems, allow and
15 encourage those activities and uses that are sustainable, and
16 recognize the importance of aesthetic, educational, and
17 recreational uses.

18 (2) The ocean ecosystem is inextricably linked to activities on
19 land and all public agencies should consider the impact of
20 activities on land that may adversely affect the health of the coastal
21 and ocean environment.

22 (3) It is the state's policy to incorporate ecosystem perspectives
23 into the management of coastal and ocean resources, using sound
24 science, with a priority of protecting, conserving, and restoring
25 coastal and ocean ecosystems, rather than managing on a single
26 species or single resource basis.

27 (4) A goal of all state actions shall be to improve monitoring
28 and data gathering, and advance scientific understanding, to
29 continually improve efforts to protect, conserve, restore, and
30 manage coastal waters and ocean ecosystems.

31 (5) State and local actions that affect ocean waters or coastal or
32 ocean resources should be conducted in a manner consistent with
33 protection, conservation, and maintenance of healthy coastal and
34 ocean ecosystems and restoration of degraded ocean ecosystems.
35 State and local agencies should refrain from actions that would
36 cause harm to ocean and coastal ecosystems or impair the
37 restoration of coastal and ocean ecosystems.

38 35515. The Legislature finds and declares that the purpose of
39 this division is to integrate and coordinate the state's laws and
40 institutions responsible for protecting and conserving ocean



1 resources, including coastal waters and ocean ecosystems, to
2 accomplish all of the following objectives:

3 (a) Provide a set of guiding principles for all state agencies to
4 follow, consistent with existing law, in protecting the state’s
5 coastal and ocean resources.

6 (b) Encourage cooperative management with federal agencies,
7 to protect and conserve representative coastal and ocean habitats
8 and the ecological processes that support those habitats.

9 (c) Improve coordination and management of state efforts to
10 protect and conserve ocean ecosystems without adding to
11 bureaucracy or imposing new costs by establishing a cabinet level
12 oversight body responsible for identifying more efficient methods
13 of protecting the ocean at less cost to taxpayers.

14 (d) Use California’s private and charitable resources more
15 effectively in developing ocean protection and conservation
16 strategies.

17 (e) Redirect some existing state bond funds to address the most
18 critical needs in coastal and ocean resources protection and
19 conservation.

20 (f) Provide for public access to the ocean and ocean resources,
21 including to marine protected areas, for recreational use, and
22 aesthetic, educational, and scientific purposes, consistent with the
23 sustainable long-term conservation of those resources.

24

25 CHAPTER 2. DEFINITIONS

26

27 35550. Unless the context requires otherwise, the following
28 definitions govern this division:

29 (a) “Council” means the Ocean Protection Council established
30 pursuant to Section 35600.

31 (b) “Fund” means the California Ocean Protection Trust Fund
32 established pursuant to Section 35650.

33 (c) “Public agency” means a city, county, city and county,
34 district, or the state or any agency or department of the state.

35 (d) “Sustainable” and ”sustainability” mean both of the
36 following:

37 (1) Continuous replacement of resources, taking into account
38 fluctuations in abundance and environmental variability.



1 (2) Securing the fullest possible range of present and long-term
2 economic, social, and ecological benefits, while maintaining
3 biological diversity.

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5 CHAPTER 3. OCEAN PROTECTION COUNCIL

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7 35600. The Ocean Protection Council is established in state
8 government. The council consists of the Secretary of the
9 Resources Agency, the Secretary for Environmental Protection,
10 and the Chair of the State Lands Commission.

11 35605. The members of the council shall elect the chair of the
12 council.

13 35610. Three Members of the Senate, appointed by the Senate
14 Committee on Rules, and three Members of the Assembly,
15 appointed by the Speaker of the Assembly, shall meet with the
16 council and participate in its activities to the extent that
17 participation is not incompatible with their respective positions as
18 Members of the Legislature.

19 35615. The council shall do all of the following:

20 (a) (1) Coordinate activities of state agencies, that are related
21 to the protection and conservation of coastal waters and ocean
22 ecosystems, to improve the effectiveness of state efforts to protect
23 ocean resources within existing fiscal limitations.

24 (2) Establish policies and procedures to coordinate the
25 collection and sharing of scientific data between agencies.

26 (3) Identify and recommend to the Legislature changes in law
27 needed to achieve these goals.

28 (b) (1) Identify changes in federal law and policy necessary to
29 achieve the goals of this division and to improve protection,
30 conservation, and restoration of ocean ecosystems in federal and
31 state waters off the state’s coast.

32 (2) Recommend to the Governor and the Legislature actions
33 the state should take to encourage those changes in federal law and
34 policy.

35 (c) Be consistent with Sections ~~35500, 35510,~~ 35510 and
36 35515.

37 35620. The council shall ~~oversee~~ *take into account the*
38 *research, findings, recommendations, and determinations of* the
39 State Interagency Coordinating Committee established pursuant
40 to Section 36800 and the scientific review panel established



1 pursuant to Section 36900. The council may review and
2 recommend proposals to the State Interagency Coordinating
3 Committee, and to designating entities, to further the purposes of
4 this division.

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6 CHAPTER 4. CALIFORNIA OCEAN PROTECTION TRUST FUND

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8 35650. (a) The California Ocean Protection Trust Fund is
9 established in the State Treasury.

10 (b) Moneys deposited in the fund may be expended, upon
11 appropriation by the Legislature, for both of the following:

12 (1) Projects and activities authorized by the council consistent
13 with Chapter 3 (commencing with Section 35600).

14 (2) Upon authorization by the council, for grants *or loans* to
15 public ~~agencies or nonprofit agencies or nonprofit corporations;~~
16 ~~or loans~~ *agencies, nonprofit corporations, or private entities* for,
17 or direct expenditures on, projects or activities that do one or more
18 of the following:

19 (A) Eliminate or reduce threats to coastal and ocean
20 ecosystems, habitats, and species.

21 (B) Foster sustainable fisheries, including development of
22 more selective fishing gear, collaborative research and
23 demonstration projects between persons who fish commercially
24 and scientists, promotion of value-added fisheries to offset
25 economic losses attributable to reduced fishing opportunities, and
26 the creation of revolving loan programs for the purpose of
27 implementing sustainable fishery products.

28 (C) Improve coastal water quality.

29 (D) Allow for increased public access to, and enjoyment of,
30 ocean and coastal resources, consistent with sustainable,
31 long-term protection and conservation of those resources.

32 (E) Improve management, conservation, and protection of
33 coastal waters and ocean ecosystems.

34 ~~(G)~~

35 (F) Provide monitoring and scientific data to improve state
36 efforts to protect and conserve ocean resources.

37 ~~(H)~~

38 (G) Protect, conserve, and restore coastal waters and ocean
39 ecosystems, including any of the following:



- 1 (i) Acquisition, installation, and initiation of monitoring and
2 enforcement systems.
- 3 (ii) Acquisition from willing sellers of vessels, equipment,
4 licenses, harvest rights, permits, and other rights and property, to
5 reduce threats to ocean ecosystems and resources.
- 6 *(H) Address coastal water contamination from biological*
7 *pathogens, including collaborative projects and activities to*
8 *identify the sources of pathogens and develop detection systems*
9 *and treatment methods.*
- 10 *(c) Grants or loans may be made to a private entity pursuant to*
11 *this section only for projects or activities that further public*
12 *purposes consistent with Sections 35510 and 35515.*

